

Rec'd PCTO 22 APR 2005

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/532447

Applicant's or agent's file reference MH504108/142		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/NZ2003/000240	International Filing Date (day/month/year) 24 October 2003	Priority Date (day/month/year) 24 October 2002	
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ B65B 59/00, 25/06, 39/02, 57/10, 63/02, 43/26; B65G 47/52, 47/76, 49/00			
Applicant MACHINERY DEVELOPMENTS LIMITED et al			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application.
- VIII ☐ Certain observations on the international application

Date of submission of the demand . 5 May 2004	Date of completion of the report 11 February 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer A SEN Telephone No. (02) 6283 2158

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on . with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-32	YES
	Claims 33, 34	NO
Inventive step (IS)	Claims	YES
	Claims 1-34	NO
Industrial applicability (IA)	Claims 1-34	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

NOVELTY (N): Claims 33, 34

(a) US 5388389: please refer in particular to column 3, lines 56-68, and drawings; 14a and 14b form the platen of the product receiving means while sides 19 can be moved towards/away from each other to suit the size of the product thereon. Therefore this citation discloses all the features of both claims.

INVENTIVE STEP (IS): Claims 1-32

Claims 33, 34: as above

(b) WO 2002/076832: finger like elements 112, 114 (page 11, lines 14-19); product feed means 18, sensor (pg 7, lines 1-6); two or more product receiving means (pg 12, lines 18-20; pg 14, line 20-pg 15, line 2); product unloading projection means (pg 15, lines 21/22); elevated product exit means (pg 15, lines 5-7)

(c) WO 2002/016210: size of bags/bag stations chosen on the basis of the size of meat cut

(d) US 4062169: plates 29 apply pressure on sides 27 (col 2, lines 56-64)

Claims 1, 2, 11-28, 32-34 each lack an inventive step with respect to citation (a) when combined with citation (b); Claims 3, 29-31 each lack an inventive step with respect to citations (a) and (b) combined as a pair with citation (c); Claims 4-10 each lack an inventive step with respect to citations (a) and (b) combined as a pair with citation (d); such combination being obvious to the person skilled in the art (PSA).